

Kentucky Department of Education

Guidance for House Bill 33 (2017)

During the 2017 Regular Session, the Kentucky General Assembly passed [House Bill 33](#) (Rep. King). The legislation created a new law, [KRS 620.146](#) which requires the Cabinet for Health and Family Services (CHFS), if granted custody by court order of a dependent, neglected, or abused child, to notify the school the child is enrolled, verbally and then in writing, of persons authorized to contact the child or remove the child from school grounds.

This document is intended to help clarify the guidelines for releasing children and assist in making reasonable decisions under the context of House Bill 33 as the bill allows for an initial verbal notification to schools when CHFS has been granted custody.

Local education agencies are legally obligated to take reasonable measures to protect student safety, including measures related to the release of a student and under what circumstances.

Importantly, entry of an order granting custody of the child to CHFS is generally based on a judicial determination that, in the case of an emergency order, it is dangerous for the child to remain in the home; that, in the case of a temporary order, the child would be dependent, neglected, or abused if returned to the home; or, that, in the case of a permanent order, the best interest of the child calls for an order committing the child to the custody of CHFS. While such emergency, temporary, and permanent orders do not terminate all parental rights, the orders do confer custody and access rights to CHFS, meaning CHFS has authority over who may contact the child or remove the child from school grounds subject to any specific language related by the court order.

If, as a result of dependency, neglect, or abuse, custody of a child is granted to the CHFS through an emergency, temporary, or permanent court order, the cabinet must verbally notify the **principal, assistant principal, or guidance counselor** of the school in which the child is enrolled of the names of persons authorized to contact the child at school, in accordance with school visitation or communication policy, or remove the child from school grounds.

Upon receipt of the verbal notification, the **principal, assistant principal, or guidance counselor** must document verbal notifications. Changes in contact or removal authority should be noted in hard copy format or electronic records maintained by the district and communicated to other district personnel as appropriate.

Although not required, the principal, assistant principal, or guidance counselor is encouraged to follow-up by official email with the person/case worker verbally notifying the school, copy to the district's Director of Pupil Personnel, to confirm the recorded information from above and encourage seamless communications.

CHFS must provide a written document within ten (10) calendar days following a change of custody or change in contact or removal authority. This document can be the court order with the change of custody or change in contact or removal authority. To facilitate the production of this document, local education agencies may request written notification be delivered as soon as possible by either email or facsimile.

If the local education agency has doubts about the validity of the verbal notification or is in need of additional information or clarity about who is authorized to contact the child or remove the child from school grounds, CHFS officials, local court officials, local law enforcement, and/or school district counsel may be consulted. The district may also consider conferring with local CHFS and court officials to establish a protocol covering custody-related communications, which may include designating agency contacts, agreeing upon specific means of communication, and providing appropriate notice and documentation to the school district when a court order is modified, rescinded, or expired.

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Upon receipt of the verbal notification, the **principal, assistant principal, or guidance counselor** must document verbal notifications. The **principal, assistant principal, or guidance counselor** of the school should document the following in writing on the same day CHFS notification is received:

1. Name and job title of the school official receiving notice.

2. The date and time of the verbal notification/phone call.

3. Name, job title, and office location of the person/case worker verbally notifying the school. If notice is provided in-person, the person/case worker may also be required to produce official identification verifying such.

ID Presented? _____

4. A call-back phone number and official email address of the person/case worker verbally notifying the school.

5. Confirmation that the order grants custody to CHFS as well as the docket reference for the case, the date the order was entered, the name of the presiding judge, and the type of custody granted (i.e. emergency, temporary, or permanent).

6. Student's full name (and any other identifying information that may be relevant/available).

7. Child's student number.

8. Full name and relationship to the child of each person authorized by the court to contact the child at school or remove the child from school. (Advise caller that production of government issued photographic identification by the authorized person(s) may be required to pick-up the child.)
